

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Parks & Recreation Department - Quality Of Life**

AGENDA DATE: **November 16, 2004**

CONTACT PERSON/PHONE: **Juan Contreras – P+3** **915-225-3445**

DISTRICT(S) AFFECTED: 8

SUBJECT:

That the Mayor be authorized to sign an agreement granting an underground electrical easement with transformer site to the El Paso Electric Company for Blocks 7H & 8H, Satterthwaite Subdivision, El Paso County, Texas.

BACKGROUND / DISCUSSION:

Standard electrical easement to allow the installation of two new transformers along Missouri Street to provide power to the Main Library Expansion and the new History Museum.

PRIOR COUNCIL ACTION:

Standard electrical easement approvals.

AMOUNT AND SOURCE OF FUNDING:

None required.

BOARD / COMMISSION ACTION:

None required.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an agreement granting an underground electrical easement with transformer site to the El Paso Electric Company for Blocks 7H & 8H, Satterthwaite Subdivision, El Paso County, Texas.

ADOPTED THIS _____ DAY OF _____, 2004.


THE CITY OF EL PASO

Joe Wardy,
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Theresa Cullen-Garney
Deputy City Attorney

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

UNDERGROUND ELECTRICAL EASEMENT

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (Grantor) grants unto El Paso Electric Company (Grantee), its successors and assigns, the right and privilege to enter and erect, construct, operate, remove, inspect, access, and maintain an underground electric system consisting of transformers (conventional or pad mount), ducts, conduits, fixtures, manholes, handholes, vaults, and any other usual appurtenances pertaining thereto, and an underground crossing with all necessary cables, lines, conduit, wires pertaining thereto, with the right of access, ingress, and egress thereto, for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, for any and all purposes for which same is or may hereafter be used, over, upon, and along the following described premises in El Paso County, Texas, to wit:

Blocks 7H & 8H, Satterthwaite Subdivision, El Paso County,
Texas, being more particularly shown on Exhibit "A"
attached hereto and incorporated herein for all purposes.

With the right to trim any trees and flora around said electrical facilities so as to keep the electrical facilities cleared and to do anything proper and necessary to operate and maintain same.

This easement shall be for the term of the Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, the Grantee agrees that upon written and reasonable request it will relocate any of its facilities located within the easement at no cost to the Grantor.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable, landscaping and paving if disturbed by Grantee's construction, maintenance or repairs of or to its facilities in and upon such easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantee agrees not to interfere with any structure or tangible personal property of Grantor within the easement. Grantor agrees not to erect permanent structures on or over Grantee's underground facilities.

Grantor will not be held responsible for any damage to underground facility from excessive erosion due to flood run-off.

Should Grantee abandon the easement, then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not

being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with applicable City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL this _____ day of _____, 2004.


GRANTOR:
THE CITY OF EL PASO

Joe Wardy, Mayor

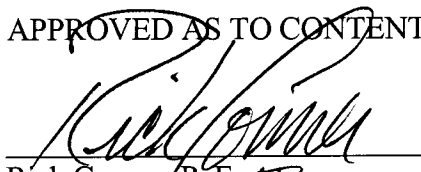
ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:


Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:


Rick Conner P. E.
City Engineer

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the _____ day of _____ 2004, by _____ as Mayor of the **City of El Paso.**

Notary Public, State of Texas

The above instrument, together with all conditions thereto is hereby accepted this
_____ day of _____, 2004.

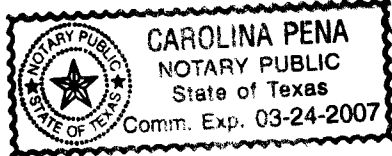
GRANTEE:
EL PASO ELECTRIC COMPANY

By: John A. Whitacre
Printed Name: John A. Whitacre
Title: VP - T & D

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on the 28th day of October, 2004
by John A. Whitacre as VP - T & D of El Paso Electric Company, on behalf
of the El Paso Electric Company, a Texas corporation.



Carolina Pena
Notary Public, State of Texas

EXHIBIT "A"

OREGON ST.

EXISTING BUILDING
EL PASO PUBLIC LIBRARY
501 N. OREGON

LIBRARY
VAULT
TO REMAIN

PROPOSED ADDITION TO THE
EL PASO PUBLIC LIBRARY

FRANKLIN ST.

MISSOURI ST.

SANTA FE ST.

PROPOSED
EL PASO HISTORY MUSEUM

LEGEND



PROPOSED E.P.E. CO. 16x36 FT. UTIL. ESMT.

GRANTORS INITIALS _____

Return to:
El Paso Electric Co.
P.O. Box 982-Loc 501
El Paso, TX. 79960

PROPOSED EASEMENT IN A PORTION OF
BLOCKS 7H & 8H
SATTERTHWAITE SUBDIVISION
EL PASO COUNTY, TEXAS

EL PASO ELECTRIC CO. R.O.W.

DATE 9-14-04

EST. NO.

04-7-1-70081

SCALE NONE

03-7-1-70118